Costs are taxed in the amount of

Clerk of Court

UNITED STATES DISTRICT COURT

for the Northern District of California	
NORTH AMERICAN CAPACITY INSURANCE COMPANY V Case No.: C 12-01488 RS NAVIGATORS SPECIALTY INSURANCE COMPANY (COMPANY) (Case No.: C 12-01488 RS) (COMPANY)	
BILL OF COSTS	
Judgment having been entered in the above entitled action on 10/04/2012 against N. American Capacity Institute Clerk is requested to tax the following as costs:	<u>s.</u> ,
	52.58
Fees for service of summons and subpoena	0.00
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	0.00
•	11.90
Fees for witnesses (itemize on page two)	0.00
Fees for exemplification and the costs of making copies of any materials where the copies are	47.54
Docket fees under 28 U.S.C. 1923	0.00
Costs as shown on Mandate of Court of Appeals	0.00
Compensation of court-appointed experts	0.00
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	0.00
Other costs (please itemize)	0.00
TOTAL \$	12.02
SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.	
Declaration	
I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and t services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all in the following manner: Electronic service First class mail, postage prepaid Other: s/ Attorney:	hat the parties
Name of Attorney: Mark Loper, Cal. SB No. 280493	_
For: North American Specialty Insurance Company Date: 10/09/2012 Name of Claiming Party	<u> </u>
Taxation of Costs	

Deputy Clerk

and included in the judgment.

AO 133 (Rev. 12/09) Bill of Costs

United States District Court

Witness Fees (computa	ition, cf. 2	8 U.S.C.	1821 for	statutory	(fees)			
	ATTEN	ATTENDANCE		SISTENCE MILEAGE		Total Cost		
NAME, CITY AND STATE OF RESIDENCE	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness	
							\$0.00	
2. The second of					***************************************	www.www.workeyww.posiek.kww.pusi	\$0.00	
							\$0.00	
						-	\$0.00	
		regressioners edicationers equations edicationers					\$0.00	
2-Wilder Control of the Control of t							\$0.00	
	-				T	OTAL	\$0.00	

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions: RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

1 2 3 4 5 6 7 8 9	Richard J. Finn, CASB# 099659 Email: rfinn@burnhambrown.com Michelle M. Meyers, CASB# 236387 Email: mmeyers@burnhambrown.com Mark H. Loper, CASB# 280493 Email: mloper@burnhambrown.com BURNHAM BROWN A Professional Law Corporation P.O. Box 119 Oakland, California 94604 1901 Harrison Street, 14th Floor Oakland, California 94612 Telephone: (510) 444-6800 Facsimile: (510) 835-6666 Attorneys for Defendant NAVIGATORS SPECIALTY INSURANCE Cof/k/a NIC INSURANCE COMPANY	OMPANY
11		
12		DISTRICT COURT
13	NORTHERN DISTR	ICT OF CALIFORNIA
14	NORTH AMERICAN CAPACITY INSURANCE COMPANY,	No. C 12-01488 RS [Removed from Marin County Superior
15	Plaintiff,	Court Action No. CIV 1200519]
16	v.	DEFENDANT NAVIGATORS SPECIALTY INSURANCE
17 18	NAVIGATORS SPECIALTY INSURANCE COMPANY f/k/a NIC INSURANCE	COMPANY'S ITEMIZATION OF COSTS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 54.
19	COMPANY, and DOES 1-50, inclusive,	Complaint Filed: February 1, 2012
20	Defendants.	Removal Date: March 23, 2012 Trial Date: None Set
21		
22		
23	Pursuant to Federal Rule of Civil Proced	
24	Specialty Insurance Company submits the follow	wing itemization of costs listed in its Bill of
25	Costs filed herewith:	
26		
27	///	
28	///	
		•

1	FEES OF THE CLERK					
2	Date	Amount	Narrative			
3	3/23/2012	\$677.83	Filing fees with the Marin County Superior Court.			
4	3/23/2012	\$574.75	Filing fees with the United States District Court, Northern District of California.			
5	TOTAL	\$1252.58				
6						
7	Date	Amount	Narrative			
8	3/31/2012	\$29.40	Electronic reproduction fees.			
9	4/30/2012	\$21.80	Electronic reproduction fees.			
10	5/31/2012	\$15.20	Electronic reproduction fees.			
11	8/31/2012	\$145.50	Electronic reproduction fees.			
12	TOTAL	\$211.90				
13	FEES I	FOR EXEMPLIFICA	TION AND COSTS OF MAKING COPIES OF ANY OPIES ARE NECESSARILY OBTAINED FOR USE IN			
14			THE CASE			
15	Date	Amount	Narrative 1.5			
16	5/10/2012	\$411.16	Copy fees for Marin County Superior Court records from the underlying <i>Gomez</i> action.			
17	7/10/2012	\$436.58	Copy fees for Marin County Superior Court records from the underlying <i>Gomez</i> action.			
18 19	TOTAL	\$847.54				
20						
21	DATED: O	ctober 9, 2012	BURNHAM BROWN			
22			A H / ON			
23			MARK H. LOPER			
24	Attorneys for Defendant NAVIGATORS SPECIALTY INSURANCE					
25			COMPANY f/k/a NIC INSURANCE COMPANY			

4818-5235-2273, v. 1

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27

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Re:	North American Capacity Ins. Co. v. Navigators Specialty Ins. Co.	_
Court:	Marin County Superior Court	
Action No:	CIV 1200519	

PROOF OF SERVICE

I declare that I am over the age of 18, not a party to the above-entitled action, and am an employee of Burnham Brown whose business address is 1901 Harrison Street, 14th Floor, Oakland, Alameda County, California 94612 (mailing address: Post Office Box 119, Oakland, California 94604).

On October 9, 2012, I served the following document(s) in the following manner(s):

DEFENDANT NAVIGATORS SPECIALTY INSURANCE COMPANY'S BILL OF COSTS AND ITEMIZATION OF COSTS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 54

X	ELECTRONIC SERVICE: On the date indicated below, at the above-referenced
_	business location, I caused a copy of the documented(s) listed above to be electronically
	served on all parties.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE: October 9, 2012

4831-7457-0256, v. I